

UNITED STATES DISTRICT COURT

for the

Western District of Washington

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)

Facebook Account 1272113078

Case No.

MJ 14-473

DEC 02 2014

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 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 DEPUTY

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is incorporated by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Interstate Threats	Offense Description
18 USC 875(c)		

The application is based on these facts:

See Affidavit of Special Agent Grover, which is incorporated herein by reference.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Special Agent Brett Grover

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/02/2014

City and state: Seattle, Washington



Judge's signature

Magistrate Judge Brian A. Tsuchida

Printed name and title

ATTACHMENT A
Premises To Be Searched

This warrant applies to information associated with Facebook user ID number 1272113078 that is stored at a premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California, including, but not limited to, any data that is being preserved pursuant to a preservation letter.

ATTACHMENT B
Documents To Be Searched

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Facebook is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities;
- (c) All Photoprints, including all photos uploaded by that user ID and all photos uploaded by any user that have that user tagged in them;
- (d) All Neoprints, including profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications;
- (e) All other records of communications and messages made or received by the user, including all private messages, chat history, video calling history, and pending "Friend" requests;

Attachment B
In re search of Facebook Account

- (f) All “check ins” and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All records of the account’s usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked;”
- (i) All information about the Facebook pages that the account is or was a “fan” of;
- (j) All past and present lists of friends created by the account;
- (k) All records of Facebook searches performed by the account;
- (l) All information about the user’s access and use of Facebook Marketplace;
- (m) The length of service (including start date), the types of service utilized by the user, and the means and source of any payments associated with the service (including any credit card or bank account number);
- (n) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;
- (o) All records pertaining to communications between Facebook and any person regarding the user or the user’s Facebook account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes evidence, fruits and instrumentalities of violations of Title 18, United States Code, Section 875(c) (Interstate Threats), including, for the user ID number identified on Attachment A, information pertaining to the following matters:

(a) any and all postings, Wall Posts, private messages, status updates, chat history, friend requests, photographs, graphics, or other information regarding Ferguson Police Officer D.W., any other police officer or law enforcement agent, or firearms;

(b) any and all IP logs, including all records of the IP addresses that logged into the account, and the dates and times such logins occurred;

(d) records relating to who created, used, or communicated with the user ID, including records about their identities and whereabouts.

SS

INTRODUCTION

2. I make this affidavit in support of an application for a search warrant for information associated with Facebook user ID number 1272113078 that is stored at a premises owned, maintained, controlled, or operated by Facebook, a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, more thoroughly described in Attachment B and incorporated herein, pertaining to the subscriber or customer associated with the user ID number 1272113078. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to search the information

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1 described in Attachment A for evidence, fruits, and instrumentalities of violations of
2 Interstate Threats, in violation of Title 18, United States Code, Section 875(c).

3 3. The facts in this affidavit come from my personal observations, my training
4 and experience, and information obtained from other agents, detectives, analysts, and
5 witnesses. This affidavit is intended to show that there is sufficient probable cause in
6 support of this search warrant, and does not set forth all of my knowledge about this
7 matter.

8 **SUMMARY OF INVESTIGATION**

9 **A. Abdul-Jabbaar's Facebook Page.**

10 4. The subject of this investigation is Jaleel Tariq Abdul-Jabbaar. There is
11 probable cause to believe that Abdul-Jabbaar is the user of the Facebook page located at
12 www.Facebook.com/Jaleel1968 with the user ID number 1272113078. At the top of this
13 Facebook page, in the header area, there is a photograph (known as a "profile picture") of
14 Abdul-Jabbaar next to his full name, "Jaleel Tariq Abdul-Jabbaar." I am familiar with
15 Abdul-Jabbaar through this investigation and can confirm that the photograph on the
16 Facebook page is, in fact, Abdul-Jabbaar. Public records also reflect that Abdul-Jabbaar
17 was born in the year 1968. The user of this Facebook page also has posted multiple
18 photos of Abdul-Jabbaar in various contexts. Moreover, the Facebook page contains
19 various other identifying information related to the user of the page, including that he was
20 from Philadelphia, Pennsylvania and had previously lived in the State of Michigan.
21 Court records confirm that Abdul-Jabbaar has previously lived in Philadelphia and
22 Michigan. Moreover, during September 2014, the user of the Facebook page posted
23 messages stating that he just moved into a specific apartment complex in Kirkland,
24 Washington. Records maintained by the United States Department of Housing and
25 Urban Development confirm that Abdul-Jabbaar receives subsidized housing benefits at
26 this same apartment complex. Based on this information, I believe that Abdul-Jabbaar is
27 the user of the Facebook page located at www.Facebook.com/Jaleel1968.
28

1 **B. Abdul-Jabbaar's Threatening Communications.**

2 5. During this investigation, I and other FBI personnel have reviewed the
3 publically available portions of Abdul-Jabbaar's Facebook page on numerous occasions.
4 As described more fully below, Abdul-Jabbaar has posted several messages containing
5 threats against D.W., a police officer in Ferguson, Missouri. The threats relate to the
6 widely-publicized events of August 9, 2014, during which Officer D.W. fatally shot
7 Michael Brown. On November 24, 2014, the St. Louis County Prosecuting Attorney
8 announced that the grand jury investigating the shooting decided not to return an
9 indictment against D.W.

10 6. Five days after the shooting, on August 14, 2014, Abdul-Jabbar posted the
11 following message on his Facebook page: "Just finished watching the news and they still
12 haven't named the white motha fucka that shot that boy. Then we can find where that
13 cop's child goes to school at and hope that the same can be returned back to that white
14 cracka."

15 7. On August 30, 2014, Abdul-Jabbaar re-posted a news report with the
16 headline, "Recently Released Surveillance Video Has Sparked Outrage Completely
17 Contradicting The Official Police Story Of The Incident." Immediately above the
18 headline, Abdul-Jabbaar posted the message: "We really need to start killing the police ...
19 OOoooppss I mean our oppressors."

20 8. On September 13, 2014, Abdul-Jabbaar re-posted a news report with the
21 headline, "'He had his f**king hands in the air!' New footage shows Ferguson witnesses
22 reacting to teen's death." Immediately above the headline, Abdul-Jabbaar posted the
23 message: "I would love to smoke a white motha fuck'n cop."

24 9. On September 15, 2014, Abdul-Jabbaar posted a graphic containing D.W.'s
25 name, photographs of D.W. in uniform, and the headline, "Wanted For Murder Of Mike
26 Brown." Immediately above the graphic, Abdul-Jabbaar posted the message: "This dude
27 needs his house sprayed."
28

1 10. On October 27, 2014, Abdul-Jabbar re-posted a news report with the
2 headline, "ANONYMOUS Posts Information on Officer [D.W.'s] Location and His
3 Friend[.]" Immediately above the news report, Abdul-Jabbaar posted the message: "We
4 the oppressed people need to kill this white cop."

5 11. On November 11, 2014, Abdul-Jabbaar posted the message: "Are there any
6 REAL BLACK MEN that would love to go down to Ferguson Missouri to give back
7 those bullets that Police Officer [D.W.] fired into the body of Mike Brown. If we're
8 unable to locate Officer [D.W.] then We'll return them to his wife and if not her then his
9 children."

10 12. On November 16, 2014, Abdul-Jabbaar posted a lengthy message,
11 including the following statements: "How many are preparing, or are prepared for
12 Ferguson. We all know this white motha fucka is going to walk when the grand jury
13 deliver there answer. Who the fuck heard of the police policing themselves. This is
14 some real bullshit. Whatever pocket change I got I'm ready to roll to lay down my life so
15 who is ready to roll with me. . . . There will be many real black men that will be putt'n
16 in real work with that steel [firearm] will fall on the day when the grand jury let this
17 motha fucka walk. I SAY 'NO MORE.'"

18 13. On November 22, 2014, Abdul-Jabbaar posted the message: "I got my
19 money to go to Ferguson . . . Who else is going to put in some work?"

20 14. On November 24, 2014, Abdul-Jabbaar re-posted a news report containing
21 D.W.'s name and photograph, and the headline, "Ferguson Grand Jury Verdict Has Just
22 Been Reached." Immediately above the news report, Abdul-Jabbaar posted the message:
23 "Ready to go and kill some cops."

24 15. Later on November 24, 2014, Abdul-Jabbaar re-posted a news report with
25 the headline, "Attorney: Ferguson grand jury has reached decision." Immediately above
26 the news report, Abdul-Jabbaar posted the message: "We need to kill this white motha
27 fucka and anything that has a badge on."
28

1 16. On November 25, 2014, Abdul-Jabbaar posted a cartoon graphic depicting
2 a black male shooting a police officer in uniform. Immediately above the graphic,
3 Abdul-Jabbaar posted the message: "We black folks should've been doing this to the
4 police last night. We MUST arm ourselves against the white oppressors that wear guns
5 and badges. It's time to start carrying guns as well to kill the white oppressors."

6 17. On November 26, 2014, Abdul-Jabbaar re-posted a news report with the
7 headline, "Two FBI agents shot at house near Ferguson unrest." Immediately above the
8 headline, Abdul-Jabbaar posted the message: "This is how you put your work in, that's
9 what the fuck I'm talk'n about."

10 18. On November 28, 2014, Abdul-Jabbaar re-posted a photograph of a bloody,
11 beheaded white individual. Immediately above the photograph, Abdul-Jabbaar posted the
12 message: "This could be white police Oppressors here in this country getting there [sic]
13 heads removed."

14 19. According to Facebook's official website and the publically available
15 description of where Facebook's on-line data centers (servers) are located, the data
16 centers are located in Prineville, Oregon; Forest City, North Carolina; Lulea, Sweden;
17 and Altoona, Iowa. Thus, there is probable cause to believe that all of the Facebook
18 postings described above involved an interstate wire communication that traveled outside
19 the State of Washington.

20 **C. Abdul-Jabbaar's Attempt to Acquire a Firearm.**

21 20. I have reviewed additional Facebook records that reveal that Abdul-Jabbaar
22 has been attempting to acquire a firearm. Abdul-Jabbaar has multiple prior felony
23 convictions, making it unlawful for him to possess a firearm. Abdul-Jabbaar's prior
24 felony convictions include: *Manufacture, Delivery or Possession with Intent to*
25 *Manufacture or Deliver a Controlled Substance*, in the Philadelphia Common Pleas
26 Court, State of Pennsylvania, on or about September 4, 1992; and *Unlawful Possession of*
27 *a Firearm*, in the United States District Court for the Western District of Washington, on
28 or about October 29, 2009 (case number CR08-157TSZ). Abdul-Jabbaar's federal

1 firearms conviction involved his participation in a shoot-out arising out of a domestic
2 violence incident involving his friend's sister.

3 21. On October 29, 2014, Abdul-Jabbaar was communicating with another
4 person (K.A.) over his Facebook page. At 11:58 a.m., Abdul-Jabbaar asked, "Hey bro,
5 how do you protect you home and family?" K.A. replied that he has been "taking
6 advantage of my 2nd amendment rights." Abdul-Jabbaar responded, "I'm in need to
7 invoke my 2nd amendment rights." K.A. stated that he had "some connects," and Abdul-
8 Jabbaar asked K.A. to "hook a ninja up on the connect." Abdul-Jabbaar then specifically
9 asked for a .40 caliber handgun ("bout a 40 cal") or a 9mm handgun ("if I cant get a 40
10 cal then I'll run with a 9mm"). After this exchange, K.A. and Abdul-Jabbaar traded
11 several messages attempting to meet with each other in person.

12 22. On November 24, 2014, at 4:27 p.m., Abdul-Jabbaar sent a message to
13 K.A. stating, "I'm going to ferguson," and he later told K.A., "Can you just sit back and
14 do nothing. White motha fuckas killing us like our lives ain't shit . . . Homeland
15 security, national guard, and police are strapped to kill protester[s]." Later on November
16 24, 2014, K.A. sent a message to Abdul-Jabbaar stating, "No indictment." Abdul-Jabbaar
17 replied, "Time to kill a cop."

18 **FACEBOOK POLICIES AND PROCEDURES**

19 23. Facebook owns and operates a free access social networking website of the
20 same name that can be accessed at <http://www.facebook.com>. Facebook allows its users
21 to establish accounts with Facebook, and users can then use their accounts to share
22 written news, photographs, videos, and other information with other Facebook users, and
23 sometimes with the general public.

24 24. Facebook asks users to provide basic contact and personal identifying
25 information to Facebook, either during the registration process or thereafter. This
26 information may include the user's full name, birth date, gender, contact email addresses,
27 Facebook passwords, Facebook security questions and answers (for password retrieval),
28 physical address (including city, state, and zip code), telephone numbers, screen names,

1 websites, and other personal identifiers. Facebook also assigns a user identification
2 number to each account. According to Facebook, the user identification number
3 1272113078 is associated with the account that is described above.

4 25. Facebook users may join one or more groups or networks to connect and
5 interact with other users who are members of the same group or network. A Facebook
6 user can also connect directly with individual Facebook users by sending each user a
7 "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two
8 users will become "Friends" for purposes of Facebook and can exchange
9 communications or view information about each other. Each Facebook user's account
10 includes a list of that user's "Friends" and a "News Feed," which highlights information
11 about the user's "Friends," such as profile changes, upcoming events, and birthdays.

12 26. Facebook users can select different levels of privacy for the
13 communications and information associated with their Facebook accounts. By adjusting
14 these privacy settings, a Facebook user can make information available only to himself or
15 herself, to particular Facebook users, or to anyone with access to the Internet, including
16 people who are not Facebook users. A Facebook user can also create "lists" of Facebook
17 friends to facilitate the application of these privacy settings. Facebook accounts also
18 include other account settings that users can adjust to control, for example, the types of
19 notifications they receive from Facebook.

20 27. Facebook users can create profiles that include photographs, lists of
21 personal interests, and other information. Facebook users also can post "status" updates
22 about their whereabouts and actions, as well as links to videos, photographs, articles, and
23 other items available elsewhere on the Internet. Facebook users can also post information
24 about upcoming "events," such as social occasions, by listing the event's time, location,
25 host, and guest list. In addition, Facebook users can "check in" to particular locations or
26 add their geographic locations to their Facebook posts, thereby revealing their geographic
27 locations at particular dates and times. A particular user's profile page also includes a
28 "Wall," which is a space where the user and his or her "Friends" can post messages,

1 attachments, and links that will typically be visible to anyone who can view the user's
2 profile.

3 28. Facebook has a Photos application, where users can upload an unlimited
4 number of albums and photos. Another feature of the Photos application is the ability to
5 "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a
6 photo or video, he or she receives a notification of the tag and a link to see the photo or
7 video. For Facebook's purposes, a user's "Photoprint" includes all photos uploaded by
8 that user that have not been deleted, as well as all photos uploaded by any user that have
9 that user tagged in them.

10 29. Facebook users can exchange private messages on Facebook with other
11 users. These messages, which are similar to email messages, are sent to the recipient's
12 "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well
13 as other information. Facebook users can also post comments on the Facebook profiles
14 of other users or on their own profiles; such comments are typically associated with a
15 specific posting or item on the profile. In addition, Facebook has a "Chat" feature that
16 allows users to send and receive instant messages through Facebook. These chat
17 communications are stored in the chat history for the account. Facebook also has a Video
18 Calling feature, and although Facebook does not record the calls themselves, it does keep
19 records of the date of each call.

20 30. If a Facebook user does not want to interact with another user on Facebook,
21 the first user can "block" the second user from seeing his or her account.

22 31. Facebook has a "like" feature that allows users to give positive feedback or
23 connect to particular pages. Facebook users can "like" Facebook posts or updates, as
24 well as webpages or content on third party (i.e., non-Facebook) websites. Facebook users
25 can also become "fans" of particular Facebook pages.

26 32. Facebook has a search function that enables its users to search Facebook for
27 keywords, usernames, or pages, among other things.

1 33. Each Facebook account has an activity log, which is a list of the user's
2 posts and other Facebook activities from the inception of the account to the present. The
3 activity log includes stories and photos that the user has been tagged in, as well as
4 connections made through the account, such as "liking" a Facebook page or adding
5 someone as a friend. The activity log is visible to the user but cannot be viewed by
6 people who visit the user's Facebook page.

7 34. Facebook Notes is a blogging feature available to Facebook users, and it
8 enables users to write and post notes or personal web logs, i.e., "blogs," or to import their
9 blogs from other services, such as Xanga, LiveJournal, and Blogger.

10 35. The Facebook Gifts feature allows users to send virtual "gifts" to their
11 friends that appear as icons on the recipient's profile page. Gifts cost money to purchase,
12 and a personalized message can be attached to each gift. Facebook users can also send
13 each other "pokes," which are free and simply result in a notification to the recipient that
14 he or she has been "poked" by the sender.

15 36. Facebook also has a Marketplace feature, which allows users to post free
16 classified ads. Users can post items for sale, housing, jobs, and other items on the
17 Marketplace.

18 37. In addition to the applications described above, Facebook also provides its
19 users with access to thousands of other applications on the Facebook platform. When a
20 Facebook user accesses or uses one of these applications, an update about that the user's
21 access or use of that application may appear on the user's profile page.

22 38. Facebook uses the term "Neoprint" to describe an expanded view of a given
23 user profile. The "Neoprint" for a given user can include the following information from
24 the user's profile: profile contact information; News Feed information; status updates;
25 links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists,
26 including the friends' Facebook user identification numbers; groups and networks of
27 which the user is a member, including the groups' Facebook group identification
28

1 numbers; future and past event postings; rejected "Friend" requests; comments; gifts;
2 pokes; tags; and information about the user's access and use of Facebook applications.

3 39. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP
4 address. These logs may contain information about the actions taken by the user ID or IP
5 address on Facebook, including information about the type of action, the date and time of
6 the action, and the user ID and IP address associated with the action. For example, if a
7 user views a Facebook profile, that user's IP log would reflect the fact that the user
8 viewed the profile, and would show when and from what IP address the user did so.

9 40. Social networking providers like Facebook typically retain additional
10 information about their users' accounts, such as information about the length of service
11 (including start date), the types of service utilized, and the means and source of any
12 payments associated with the service (including any credit card or bank account number).
13 In some cases, Facebook users may communicate directly with Facebook about issues
14 relating to their accounts, such as technical problems, billing inquiries, or complaints
15 from other users. Social networking providers like Facebook typically retain records
16 about such communications, including records of contacts between the user and the
17 provider's support services, as well as records of any actions taken by the provider or
18 user as a result of the communications.

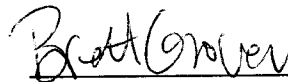
19 41. Based on all of the above information, the computers of Facebook are
20 likely to contain all the material described above, including stored electronic
21 communications and information concerning subscribers and their use of Facebook, such
22 as account access information, transaction information, and other account information.

23 42. I anticipate executing this warrant under the Electronic Communications
24 Privacy Act, in particular, Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A)
25 and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the
26 government copies of the records and other information (including the content of
27 communications) particularly described in Section I of Attachment B. Upon receipt of
28

1 the information described in Section I of Attachment B, government authorized persons
2 will review that information to locate the items described in Section II of Attachment B.

3 **CONCLUSION**

4 43. Based on the forgoing, I request that the Court issue the proposed search
5 warrant. This Court has jurisdiction to issue the requested warrant because it is "a court
6 of competent jurisdiction" as defined by Title 18, United States Code, Sections 2711 and
7 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is "a district court of the United
8 States . . . that has jurisdiction over the offense being investigated." 18 U.S.C.
9 § 2711(3)(A)(i). Pursuant to Title 18, United States Code, Section 2703(g), the presence
10 of a law enforcement officer is not required for the service or execution of this warrant.

11
12 

13 Brett D. Grover, Affiant
14 Special Agent, FBI

15 SUBSCRIBED AND SWORN before me this 2nd day of December 2014.

16
17 

18 Brian A. Tsuchida
19 United States Magistrate Judge